



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

Via Electronic Mail

August 7, 2014

David Yudelson, Esq.
Sive, Paget & Riesel
1460 Park Avenue
New York, New York 10022

Re: Lightstone Administrative Order, CERCLA-02-2014-2004

Mr. Yudelson,

Attached please find the executed Settlement Agreement and Order on Consent for Removal Action by Bona Fide Prospective Purchaser ("Settlement Agreement") between the United States on behalf of the Environmental Protection Agency ("EPA") and LSG 363 Bond Street LLC for its redevelopment project at the Gowanus Canal.

For purposes of the removal action work required under the Settlement Agreement, the Settlement Agreement is effective, and such work can proceed, including the construction of the bulkhead.

As set forth in paragraph 29, the defined work is subject to Section 121(e)(1) CERCLA permit exemption provision, 42 U.S.C. § 9621(e)(1), and the NCP. EPA intends to coordinate with the appropriate regulatory authorities, which may include the USACE, the NYSDEC, New York City Department of Small Business Services and the New York State Historic Preservation Office ("SHPO") in order to ensure substantive compliance with the applicable regulatory requirements, including for the bulkhead work. Please note the requirements in paragraph 41.a. regarding advance notice of field activities and weekly reporting. For oversight purposes, it is imperative that we are advised of ongoing activities.

Also please note that, pending public comment and approval by the Department of Justice, the covenant not to sue from the United States and the contribution protection provisions are not yet effective.

Please contact me at (212) 637-3170 or via email at carr.brian@epa.gov if you have any questions. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'BEC', is positioned above the typed name.

Brian E. Carr
Assistant Regional Counsel